



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert A. Immerman and Russell Benton Snell
Serial No. : 09/822,154 Confirmation No.: 6306

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REMARKS

In the Office Action mailed May 22, 2002, the Examiner has objected to the specification because the specification does not disclose a fastening arrangement, but does disclose a construction technique comprising welding, soldering, brazing and adhesives. Accordingly, applicant amends the specification, page 4, fourth paragraph, to more clearly discuss construction of the device and to include the phrases "attachment techniques" and "fastening techniques" as suggested by the Examiner. No new matter has been added.

The Examiner has rejected claims 1, 7-9, and 21 under 35 U.S.C. §102(b) as being anticipated by Cura, U.S. Patent No. D210,833. The Examiner states that Cura shows a first pair of parallel wires, and a second pair of parallel wires transverse to and engaging the first pair of wires and defining a rectangular opening that is capable of receiving the head of a suction cup and retaining the neck, and a fastening arrangement for fastening the device to a fixture. One pair of wires is horizontal and the other pair is vertical. Applicants respectfully traverse this rejection. Applicants have amended claim 1 to more clearly define their invention; in this amended claim, applicants require more than one fastener arrangement to fasten the device to the fixture. Claims 7-9 depend from claim 1 and incorporate the limits contained therein. Applicant has canceled claim 21. Applicants respectfully submit that Cura does not show a fixture with a device having more than one fastener arrangement for fastening said device to the fixture. Cura only shows one wire attached to a small hook which is attached to a clothing bar. The present invention is an improvement over Cura

because by having two fastener arrangements, the fixture and device are better secured. Applicant's invention would attach to a wall or other flat surface and would not move or sway as would Cura's because applicant's two fastener arrangements would provide stability. Since Cura's invention has only one fastener arrangement, and this arrangement is a small hook, Cura's fixture would sway or rotate the distance of the small hook. Also, this specific limitation in the claims is not found in Cura, wherefor Cura cannot support a rejection under 35 U.S.C. 102(b). Further, applicant's invention would not be obvious to one skilled in the art given Cura since applicant's invention provides much more utility, functionality, durability and stability than Cura. Thus, applicants respectfully request that the rejection of claims based on Cura be withdrawn.

The Examiner has rejected claims 1, 6-8, 11, 16-18 and 21 under 35 U.S.C. §102(b) as being anticipated by Isenberg, U.S. Patent No. D121,813. The Examiner states that Isenberg shows a first pair of horizontal, generally parallel, rigid wires (in yellow), a second pair of non-parallel rigid wires (in orange) transverse to and engaging the first pair of rigid wires defining a generally rectangular opening for receiving the head of a suction cup and for retaining the neck in the opening, and a fastening arrangement that holds the second pair of wires attached to the fixture (in blue). The suction cup has a compressible head attached to a neck, the neck is attached to an engagement member, the head is insertable into the opening and the neck is retained in the opening. Applicants respectfully traverse this rejection. Applicants respectfully submit that, as described by the Examiner, Isenberg's first pair of wires (in yellow) and the second pair of wires (in orange) do not define a generally rectangular opening for retaining the head or neck of a suction cup. The orange wires are not parallel, instead they engage at one end. Each of the orange wires does not engage each wire of the yellow wires; there is one orange wire that only engages other orange wires. Isenberg's opening has only three closed sides, not four, because Isenberg's device works not by compressing

the neck of the suction cup to fit into the opening but instead by sliding the wires (in orange) over the suction cup and wedging it onto the fixture. By contrast, applicants' invention retains the suction cup regardless of whether it is wedged between the wires which improves upon the design of Isenberg since the suction cup is held in place by a bottom wire, not by being wedged between two wires. Any defect in the neck of the suction cup, such as a nick or tear in the neck shrinking its circumference, would cause Isenberg's invention to fail while applicant's invention would not. This is a specific limitation in the claims which is not found in Isenberg, wherefor Isenberg cannot support a rejection under 35 U.S.C. 102(b). Further, applicant's invention would not be obvious to one skilled in the art given Isenberg since applicant's invention provides more utility, durability and stability than Isenberg. Thus, applicants respectfully request that the rejection of claims based on Isenberg be withdrawn.

The Examiner has rejected claims 7, 9, 17 and 19 under 35 U.S.C. §102(b) as being anticipated by Brewster, U.S. Patent No. 5,039,046. The Examiner states that Brewster shows a device for attaching a suction cup, with a compressible head (23) attached to a neck (24) which is attached to the engagement member of the suction cup, to a fixture comprising a pair of rigid, vertical, generally parallel wires (21) defining an opening for receiving the head (23) of the suction cup (20) and for retaining the neck in the opening, and a fastening arrangement for fastening the device to the fixture. Applicants respectfully traverse this rejection. Applicants respectfully submit that the wires of Brewster do not define a generally rectangular opening for retaining the head or neck of a suction cup. Instead, the wires are not even parallel; one wire of the horizontal pair of wires has a bend into which the suction cup is inserted. There is no vertical pair of wires shown in Brewster, but instead there is a curved wire at the top to hold the wedged suction cup and there is no wire forming the horizontal bottom. Brewster's apparatus works by inserting the suction cup into

the bend in the vertical wire and pushing the suction cup up into the wires which narrow toward the top, thus wedging the suction cup into the wires. By contrast, applicants' suction cup, as described in claims 7 and 11, is inserted by compressing the head of the cup and is retained by the pairs of wires not wedged between them. As a result, applicants' invention an improvement over Brewster; it is easier to install as the suction cup head does not need special placement, such as wedging, to be retained by the pairs of wires, and it is easier to construct generally parallel horizontal or vertical wires as opposed to the curved and tapered wires of Brewster. Any defect in the neck of the suction cup, such as a nick or tear in the neck shrinking its circumference, would cause Brewster's invention to fail while applicant's invention would not. The specific limitation in the claims of requiring a generally rectangular opening is not found in Brewster, wherefor Brewster cannot support a rejection under 35 U.S.C. 102(b). Further, applicant's invention would not be obvious to one skilled in the art given Brewster since applicant's invention provides more utility, durability and stability than Brewster. Thus, applicants respectfully request that the rejection of claims based on Brewster be withdrawn.

The Examiner has rejected claims 2-5 and 12-15 under 35 U.S.C. §103(a) as being unpatentable over Isenberg in view of Macek, U.S. Patent No. 5,620,105. Applicants respectfully traverse this rejection. As stated above, Isenberg does not disclose a generally rectangular opening for retaining the head or neck of a suction cup. Claims 2-5 depend on claim 1 and claims 12-15 depend on claim 11 and incorporate the limits contained therein. Thus, applicants respectfully request that the rejection of claims based on Isenberg in combination with any other reference be withdrawn.

It is respectfully submitted that the application is now in condition for allowance, and such action is requested. No new matter has been added. The examiner is invited to telephone the

undersigned if there are any matters which could be discussed to expedite the prosecution of the above-identified application.

Respectfully submitted,

By: 

D. Peter Hochberg

Reg. No. 24,603

DPH/KRV

Enc.: Attachment Showing Marked Up Specification and Claims

D. Peter Hochberg Co., L.P.A.
1940 East Sixth Street – 6th Floor
Cleveland, OH 44114-2294
(216) 771-3800



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Attorney File : IN0191US (#90067)

Commissioner for Patents
Washington, D.C. 20231

ATTACHMENT TO AMENDMENT

MARKED UP SPECIFICATION SHOWING CHANGES RELATIVE TO THE ORIGINAL VERSION

Please replace the fourth paragraph, beginning on line 13, on page 4 with the following:

When the invention is used on wire form products, welding, soldering or brazing are appropriate construction techniques for the device. Attachment techniques or fastening arrangements such as welding, soldering or brazing can be used to attach the wire form to the wire apparatus 1. When plastic is used, the attaching device could be integrally formed by molding. It is possible to use adhesives to construct the device when it is made from metal, plastic or wood.

MARKED UP CLAIMS SHOWING CHANGES RELATIVE TO THE ORIGINAL VERSION

1. (Twice Amended) A device for attaching a suction cup to a fixture, the suction cup having a compressible head attached to a neck, the neck attached to an engagement member, said device comprising:

 a first pair of horizontal, generally parallel, rigid wires;

 a second pair of rigid wires, each wire of said second pair of rigid wires transverses and engages each wire of said first pair of rigid wires defining a generally rectangular opening for

receiving the head and for retaining the neck in said opening; and

at least two [a] fastener arrangements for fastening said device to the fixture.